

Before the
Federal Communications Commission
Washington, D.C. 20554

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WCS Coalition Request for)	DA 06-1009
Waiver of Wireless Communications)	WT Docket No. 06-102
Service Construction Rule)	
)	

COMMENT

Cellutec, Inc. ("Cellutec"), by and through its undersigned attorney, files this Comment to support the REQUEST FOR WAIVER OF WCS CONSTRUCTION RULE ("REQUEST")¹ filed by the WCS Coalition² to extend the construction deadlines on the Wireless Communications Service ("WCS") licenses of each of its members. Cellutec also files this Comment to request equal treatment from the Federal Communications Commission ("Commission") with regard to its own WCS licenses, Call Signs KNLB242-RE09 and KNLB216-RE11, for the Guam/Northern Mariana and American Samoa service markets, respectively. Accordingly pursuant to 47 C.F.R. §1.925(b)(3)(ii), Cellutec asks the Commission to waive the construction

¹ FCC Public Notice dated May 10, 2006, DA 06-1009.

² The WCS Coalition comprises: AT&T Inc., BellSouth Corporation, Comcast Corporation, NextWave Broadband, Inc., NTELOS, Inc., Sprint Nextel Corporation, Verizon Laboratories Inc., and WaveTel NC License Corporation.

deadlines on each of its two WCS licenses pending resolution of interference issues related to the service.

The current construction deadline for all licenses represented by the WCS Coalition and Cellutec is July 21, 2007. The parties ask the Commission to extend this deadline until July 21, 2010, or three years after technical rules governing terrestrial repeater operations associated with Digital Audio Radio Service ("DARS") are decided, whichever is later.

The REQUEST stems from documented findings that DARS repeaters operating with an EIRP above 2kW cause blanketing interference to WCS facilities. Until the Commission decides the technical parameters within which DARS terrestrial repeaters may operate, the technical development of WCS facilities cannot be completed. Therefore, until the DARS repeater matter is resolved, WCS licensees are effectively unable to construct their facilities and implement their licensed services.

Cellutec is not unlike the WCS Coalition members, even though its licenses apply to regions outside the continental U.S. While interference from DARS may not be an issue because of DARS' limited reach,³ the interference matter directly impacts Cellutec's ability to develop an economically feasible WCS broadband platform.

As a small, woman-owned business, it is economically infeasible for Cellutec either to deploy existing WCS technology, or to conduct its own

³ DARS service is licensed for coverage in the continental United States and Mexico. There is no service beyond some incidental off-shore coverage.

independent development of a WCS system. The company relies on the technology developed by and modeled after other WCS licensees and engineering teams, which technology has been stalled by the uncertainties of the DARS interference problem.

As demonstrated by the BellSouth model, existing WCS broadband platforms are not economical and do not provide adequate service coverage. Last year, BellSouth initiated a broadband WCS service in rural Florida using existing technology, where interference from DARS was considered not a substantial factor. Soon after its launch of the service, BellSouth discovered that the technology would not be commercially viable due to its limited deployment capabilities (see REQUEST, fn. 12). These existing technological shortcomings are no more unique to BellSouth than to any other applicant.

Cellutec is ready, willing and capable to deploy a viable WCS system within its licensed territories once adequate technology is developed, which is only feasible once the Commission resolves the outstanding interference issues. Therefore, it is in the public interest to extend the construction deadlines for all WCS license holders to allow these companies to employ their licenses in a manner that is both technically productive and commercially sound.

Accordingly, Cellutec adopts and incorporates herein by reference the pleadings and arguments set forth in the REQUEST, and asks

the Commission to waive the construction deadlines for its two WCS licenses pending resolution of the DARS interference issue and other unique circumstances. 47 C.F.R. §1.925(b)(3)(ii).

March 9, 2006

RESPECTFULLY SUBMITTED,
CELLUTECH, INC.

By: /s/ Brigitte L. Adams

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of June 2006, a copy of this Comment was mailed, postage-prepaid, first-class, to counsel for the WCS Coalition, J. Wade Lindsay of WILKINSON BARKER KNAUER, LLP at 2300 N Street, N.W., Suite 700, Washington, DC 20037.

Brigitte L. Adams